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A
LETTER

TO

HON. ROSCOE CONKLING,

Senator of the United States,

WASHINGTON.

BY ONE OF HIS CONSTITUENTS.

“Right is the Sovereign of the World.”

MIRABEAU.

“There is Power in the Honest Sense of Men.”

CONKLING.

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HON. ROSCOE CONKLING.

UNITED STATES SENATOR.

Sir:—If you were a man of less note ; indeed if you did not possess capacity equal to Senatorial dignity, and were not sufficiently versed in statesmanship to know the teachings and the tendencies of history ; and again, if it was not conceded that you were familiar with the Constitution, and its jurisprudence, I should not now address you. But, sir, this, as well as the fact that the destiny of the nation and the future of your own fame are at stake, prompt me to the exercise of my right as your constituent, and my judgment as your peer, to warn, to entreat and to advise you.

That you may be at no loss to understand the object of my solicitude, I will state to you at once that I deny the oratorical assertion of the managers of Impeachment in presenting themselves to the Senate, that they came there to represent and as representatives of the People of the United States. The assertion, sir, is a monstrous lie, to bridge over a monstrous fraud. Those who made it knew it to be false as a fact, infamous as an assertion, and unworthy of belief even by the willing ears which listened to the loose eloquence of Bingham or heard the bottled thunder of Butler. For, however much you may gild a fraud, or paint a lie, the sober truth will rub away the varnish, for

“The eternal years of God are hers.”

It has been well said, that, to overthrow a State, the crime must be wrought in the name of the State, and that to enslave a people the tyranny must be in the name of the people.

Impeachment, sir, is not the work, or the demand of the people ; its origin can claim no such vaunted paternity, but, Minerva-like, it sprung fully armed from one, who, whether he may be

“The wisest, brightest, meanest of mankind.”

rules like a king and reigns like a despot. If, like Lord Bacon, he has not dazzled the world by brilliant contrasts between his good and bad qualities, it has not been for want of the latter, for slime has been mingled in every cup of his life, whether you find him in the arms of the negress who has so long ministered to his passions, or follow his trembling steps from the gambling Hell from which he adjourns to his seat in Congress to crack his whip over the heads of his Republican puppets.

It was not the Hero of Little Bethel, nor the jurist of Ohio. No, it was neither New England nor the giant West, which gave the command, "Vote to Impeach Andrew Johnson—true such a vote is your own stultification—but it is mine to command, yours to vote." "Then," says the great commoner, "select your managers to present my decree to the Senate of the United States, swearing with solemn oath that you are there in the name of all the People of the United States."

Congress obeyed the command. Stevens was King—Andrew Johnson was impeached.

The Athenians, influenced by demagogues, drove Pericles, even after all the services he had rendered to his country, and all the glory he had conferred upon Athens, to defend himself before the tribunals of Greece.

Aristades, too, was accused that the partisan behests of Themistacles might prevail.

Did the leader of the Athenians say "I demand that Aristades shall be banished, that I may obtain power in Athens"? No—under a plea of the public good, he accused his rival of high crimes and misdemeanors, that he might be able, like Senator Morton, to over-ride "all arguments, all prejudices, all theories," and thus reach political power.

It is quite unnecessary, sir, for me to tell you that there are many men in Congress who voted for Impeachment, who, if they were asked to give a reason for their vote, would have no better one to give than the ignorant Athenian, who, meeting Aristades during his trial, stopped him and asked him to write the name of Aristades on his ballot. "Has he done you any wrong?" says Aristades.—

"No," replied the Athenian, "I do not so much as know him, but I am tired of hearing everybody call him the *Just*."

These occurrences happened in the proudest days of Athenian civilization, showing that party passion propagated scandals and manufactured "high crimes and misdemeanors" then as easily as we propagate them now.

Having thus apprised you of my opinion, that The People do not demand, and never have demanded the impeachment of Andrew Johnson, I now propose to call your attention to a fact you are quite too well informed not to know, but which, I am frank to say, I mean to have so clearly understood that he that runs may read: and that neither you, nor any other Senator of the United States, shall hereafter be able to deny the fact. IT IS THAT THE IMPEACHMENT OF ANDREW JOHNSON IS ATTEMPTED FOR PARTY PURPOSES. THAT IT IS ENTERED UPON, NOT TO SECURE CONSTITUTIONAL JUSTICE, BUT SOLELY AS A MATTER OF PARTY REVENGE.

For, sir, it seems to be conceded that the Senate, even, is so thoroughly dragooned under the lash of the "old commoner" who has so long been trembling on the brink of the grave, (who doesn't wish he had long since ceased trembling, *in it*?) that the men who are already committed to the final sentence are as easily counted as the black sheep in a flock—and that, too, even before the charges on which the President is to be tried are settled, or the evidence of a single witness has been heard.

Monstrous as this idea is, to every candid and honorable mind, I ask you, Senator Conklin, is it not true? I do not believe that you have as yet put yourself on the procrustean bed of the "old commoner." I do not believe that you have taken the oath to fairly and impartially try Andrew Johnson with a lie in your heart, with perjury on your lips, with damnation on your soul.

You are of the opinion, it is said, that Andrew Johnson has been sincere in his convictions, and honest in his belief that he was supported by the constitution—for you have said so, and often repeated it!

Now, sir, I do not propose to so far belittle your intelligence as to debate the articles of impeachment. I shall content myself with a brief outline of their import.

The head and front of his offending—so far as this trial is concerned—is, that he has turned out—or attempted to turn out—Edwin M. Stanton, from the confidential position, in his cabinet, of Secretary of War, in defiance of the recent act known as the Tenure of Office Law.

Before I refer to the Law, let me state some general facts and conclusions which civilized society, and all honorable men, regard as established.

First, among these, is the fact that the President has at all times since the formation of this government, had the selection of his own cabinet.

Second, That it has been no less a part of the established law, that he had this right, than the established fact that he has universally exercised it.

Third, That it has been the uniform practice of the President to relieve any cabinet officer from his portfolio, whenever such officer ceased to be in perfect accord with him.

Fourth, That in the United States, as in all other governments pretending to be controlled by principles of honor, it has never been questioned but what it would be dishonorable and impertinent for a cabinet officer to decline to resign when he ceased to co-operate with the power appointing him.

These propositions are too self-evident to be argued, and yet, it is to overthrow the common sense, and the established justice on which these axioms in political government are based, that Congress, drunk with power, and nauseous with its "Loyal" disloyalty, undertook to overstep the constitution, that it might add new force to its usurpations, and take from the President the right arm of that power with which he was defending the rights of the People against the aggressions of Congress and the tyrannies of its military governments.

Senator Conkling : Had you been President when such a bill as the Tenure of Office Act was presented to you for approval, would you not have vetoed it ?

Senator Conkling—Had you been President, and had Edwin M. Stanton been your Secretary of War, and you knew he had combined and confederated with your enemies to overthrow and to disgrace you, would you not have dismissed him from your cabinet ?

Senator Conkling—Had you been President when the Tenure of Office bill was presented for approval, and you had consulted Edwin M. Stanton, as one of your confidential advisers, upon its constitutionality, and he had agreed with you that it was not only unconstitutional, but opposed to the dignity, character and respectability of the Presidential office, would you not have regarded him as no better than a perjured spy, if, after that bill became a law, you had asked him to resign, and he had unrolled the parchment on which it was inscribed, and defied and insulted you ?

Senator Conkling—Had you been President, and had you removed Edwin M. Stanton, as your personal and political enemy, and accompanied that removal by a clear and candid exposition of your reasons, addressed to the Senate of the United States, with a view of testing the constitutionality of the Tenure of Office law, do you believe that Congress would decide that you had committed a crime, by making such removal and attempting to test the constitutionality of the law, such as to subject you to national Impeachment ?

One more question, Senator Conkling, and I shall proceed to recall to your mind the history of other political impeachments in the past ; it is this : Do not you and Congress believe that the Tenure of Office Law is so clearly opposed to the constitution that there is imminent danger in submitting it to the test of judicial decision, and was it not the clear conviction that the Supreme Court of the United States would decide it to be unconstitutional, which led Congress to repeal the law by which that Court had jurisdiction of the McArde case, knowing that if that Court should so decide, that Andrew Johnson would stand justified in law, as well as in fact, before the civilized world ?

I ask these questions, Senator Conkling, not for you to answer, but as questions which posterity will ask, and which posterity will answer.

Impartial history will record that President Johnson has followed the line of policy matured and inaugurated by President Lin-

coln. It will equally record the fact that Senator Wade and Winter Davis inaugurated an opposing policy ; that the policy of the martyred patriot was one of charity, of conciliation, of justice and of peace. It will proclaim that his name is forever to be venerated because he passed from earth to heaven with the prayer yet warm from his lips for "CHARITY TO ALL AND MALICE TO NONE." The opposing policy is one of disfranchisement, revenge and hatred. The dead Patriot was not yet cold in his grave before *his policy* was murdered and placed by his side—and yet Andrew Johnson, true to the dead, true to the living, true to himself, has fearlessly sustained it. It is for this he has been impeached.

It may be true that the world moves slowly towards wisdom ; but it is consoling to believe that it moves.

Independent of all precedent, men are to form their opinions upon this impeachment ; for freedom of opinion is the chief element which constitutes the freedom of our government. The one is the positive basis of the other. Not because opinion creates government, but because it regulates it ; and because all government which acts independently of it is tyrannical, and most likely to be oppressive. To have a free government, therefore, is to have freedom of opinion as to that government, and opinion which can not make itself felt by action, or which acting follows the impulses of passion, hatred and revenge, is alike dangerous to government and subversive of liberty.

Congress has excluded the Southern States from any opinion, or expression of opinion, as to the laws which should regulate their reinstatement in the political power of the Union. It has not only denied this right to the South, but it has deliberately disfranchised a large class from the exercise of any political opinions, and thus constituted as absolute a system of political slavery as that system of negro slavery the war has so effectually abolished.

If taxation without representation was just occasion for our fore-fathers to Revolutionize the government, how much more occasion has the intelligent and honest white man at the South to complain at the tyranny of Congress, in not only passing laws to tax, confiscate, and punish by penal enactment, large and intelligent bodies of men, without affording them the slightest voice in the

Legislature which determines this oppressive policy, but also at that undisguised military dictatorship, which places them at the mercy of calculating, ambitious and greedy sycophants of congressional power, on the one hand, and beneath the ignorant domination of a race on the other, which God and man has for all time treated, *as they were content to be treated*, as inferior in intellect, subordinate by nature and brutish by instinct.

It was, sir, as you well know, to stay the tide of this Republican lunacy, that President Johnson undertook to shield the South by the Constitution. In doing this he may have become his own executioner, but posterity will do justice to his motives.

Despotic power has always aimed at disfranchisement of intellect, and this has at all times, and in all governments, not only originated in a tyrannical impulse, but has uniformly led to disaster, bloodshed, revolution and anarchy. Indeed, no government ever did, or ever will, succeed in excluding intelligent portions of the body politic from political privileges enjoyed by the general populace, without offering a reward for heresy, and giving a premium for revenge.

Intolerance and proscription have not only been preached from the pulpit, and proclaimed on the stump, as the mission and creed of the dominant party, but prayers to God, from saintly Brownlows, have been heard ascending, or *descending*, all over the land, echoing the one cry of revenge, until the Republican mind has seemed to become more intent upon devising how the whites of the South can best be degraded, than in attempting to secure the perpetuity of the government or the welfare of the people. It was precisely the same element in public opinion, which led all Europe to appeal to fire and sword, to decide questions of religion upon which political control was dependent. Protestants and Catholics burnt their adversaries; and England, France and Germany assisted in the bloodiest scenes of intolerance. This, as you well remember, occurred at a period when politics was the creature of the church; when priests and priestcraft reigned; when passion made fanatics, and fanatics made laws. No crime stood in the way, if success demanded it. In France, Huguenots practiced intolerance against Catholics, and Catholics against Huguenots; in England, Catholics promoted it under Mary, and Protestants under Cromwell; and in educated

New England it was the right arm of Presbyterian power against Quakers, and of Unitarian equity against Catholics, and was used with all the bigotry, hatred so intensifies and ambition so inspires.

To-day the cry of "LOYALTY" is the Red Cross to the new crusade. Every twaddling sycophant, every aspiring cheat, every bigoted collector of the basely cheated revenue, and every URIAH HEEP, counts up his frauds in prayers for confiscation, and consummates his worship in singing *Rally Round the Flag, Boys*, with the secret army of the "G. A. R." organized to take by force what they cannot secure by fraud.

Cromwell had brains enough to keep England quiet while she weaned herself from the insolvency of her Bare Bones Parliament; but saintly arrogance yielded to courtly Monk, and Charles the Second ascended the throne welcomed by a people *wearied with the despotism of Liberty*. But Charles the Second could not satisfy himself with the good will and prosperity of his subjects, he had to inaugurate an era of revenge, such as Stevens and Butler would prepare for the South. The policy culminated in Jefferies, and ended at Feversham.

France, filled by an inspiration for Liberty and Equality never surpassed, commenced a Revolution to establish human, and perfect political rights; but the very excess of her zeal has stained her history with the blood of victims, which will plead with endless eloquence against the bigotry of that fanaticism which, when maddened into partisan hatreds, overrides all barriers and is blind to all reason.

There is much in the history of that Revolution which our people, and the Senate, can reflect upon with profit. Let me recall to your mind some facts connected with THE IMPEACHMENT OF LOUIS THE SIXTEENTH.

It was inaugurated by that band of philosophical scholars known as the *Girondists*. Educated in Grecian and Roman statesmanship, and polity, they were animated by as lofty precepts, and inspired by as divine sentiments as ever impelled men to action. They had the wisdom of Condorcet, the learning of Bailly, the eloquence of Vergniaud, the passionate devotion of Brissot and the inspiration of that divinity of her sex, Madam Roland.

Commencing with, the Girondists lost the support of the executive, as Congress commenced with and lost the support of the President.

They sought to intimidate the King, as Congress has sought to intimidate the President. They resorted to the passions, and to the mob, as Congress has resorted to the passions and to the mob.— They made inflammatory appeals to brutes, and to brute force, until they relished the cry “The Constitution or Death.” “*Long live the SANS CULOTTES,*” with as much vehemence as Congress can now demand Negro Suffrage at the South, and Impeachment at the North. They imposed a cabinet on the King, as Congress would impose a cabinet on the President. They crippled the executive power, and subordinated it to Petion, as Congress has attempted to cripple it and subordinate it to Grant. They impeached the King, as Congress has impeached the President.

The parallel thus far is complete. Let us prayerfully hope it may go no further.

Now, sir, what was the fate of their constitution? It disappeared like a rope of sand. What was the fate of these philosophers? They were guillotined! And wherefore such a fate? With all their love of justice, they yielded to the passions of the hour, and declared Louis XVI guilty. With all their humanity, they voted for his death.

Bailly, sir, was more learned than Sumner, Verguiaud more eloquent than Wilson, Condorcet a better jurist than Bingham, Barbaroux was as impetuous as Logan, and Gandet as forcible as Bontwell.

These learned men of France, like the learned men in Congress, united forces as antagonistic to their tasks, and to their culture as that which separates the erudition of Fessenden from the profane vulgarity of Brownlow. So that the pure Roland and the beastly Marat, the courtly Buzot and the butcher Conthon, united in the demand for blood as affectionately as Sumner and Bingham madden into the cry for Impeachment with Stevens and Butler.

With the death of the King, the Rubicon was passed. The Girondists soon became as obnoxious to Robespierre as the King had been to the Girondists. They followed their victim. Then came Danton's time. He who, like Stevens, was audacity's self, a very demon of eloquence and crime, like “the old commoner,” cracked the whip and was obeyed. (You can punctuate the last two senten-

ees to suit your own reading). His head rolled into the basket of revolutionary retribution. Blood, blood in torrents drowned humanity, wisdom and justice.

Let Mr. Sumner look back upon the tumbrel which dragged the philosophical Bailly in the wintry sleet, through the scoffing crowds, to his execution. Let Thaddeus Stevens imagine himself walking by the side of Danton, as he moaned his way to the scaffold, weeping in guilt, over the retrospect of passions in the past, as the world was about to close before his eyes, and eternity was the abyss before his soul. And let the managers of Impeachment, at Washington, recall the last night of the managers of the Impeachment of Louis the 16th, and then follow them, in their brains, to the radical guillotine, and pausing, as the scene is painted up in their mind's eye, let them read the indictment of high crimes and misdemeanors which were charged against the victims. Let them recall the trial, and then ask themselves if an imitation of the Revolutionary tribunal would find advocates at Washington.

Let us profit by the past, while we weep over its passions, and remember, before we strike, the exclamation which immortalized the dying hour of Madam Roland, "Oh, Liberty, what crimes are committed in thy name." The very goddess of the divine, as a devotee to Liberty, she, too, was the victim of high crimes and misdemeanors: but she bent her head for the stroke which severed it from her body, with the grace of a woman, and the spirit of an angel.

An eminent historian has said that the leaders of a revolution are constantly advancing before the fire which they themselves have lighted; the moment they stop they are consumed in the flames.

Robespierre followed Danton; Carrier followed Robespierre.

Every revolutionary step in France, from Sieyès to Hebert—from Malesherbes to Marat—from '89 to '94—is filled with evangelism to plead with mankind against the malignant moods in which our heated zeal drives its victims in crime and maddens them into murder.

Jacques Clement was impelled by a sense of duty when he assassinated Henry, the Third—Catharine De Medici was prompted by

religious politics when she arranged the massacre of St. Bartholomew. Indeed, in the long line of executions which blacken the pages of political history, puritanical motives, without exception, have sanctified the crime. Roger Williams was driven from Massachusetts by the puritanical fathers of those New England saints who to-day worship Sumner and give their suffrages to Butler, for the energy with which he surpassed Haynean in cruelty and Botts in his reputation for spoons.

But, sir, what did England gain by beheading Charles the First : or France by guillotining Louis the Sixteenth ? What did Louis the Eighteenth gain by shooting Marshall Ney—or Napoleon by assassinating Le Duc d' Enghin ? In one word, what single political execution in the past five centuries has accomplished a step in advance of the cause which demanded it ? Indeed, what single political execution has not re-acted upon and forever stigmatized its originators ?

Why, sir, Dickens has done more in a single book, by familiarizing us with the divine recompense of the charity of good deeds, than all the political trials which have excited and maddened parties since the flood.

Impeachment is the practical realization of the dogmas and opinions of Thaddens Stevens and Benjamin F. Butler. It is the culmination of their demands. This step taken, all others become easy.

Agrarianism Africanized in the South, will follow, exclusion and confiscation will end the white race, or the race will wash the land with blood.

Are men who boast of our free institutions, of our Republican form of government, of our Liberty, so wedded to the cruelties of Revolutionists that they cannot accept the disenthralment of the Nation from Slavery ? that they cannot be contented with the splendor of our achievement in arms—with the deathless glory of our naval victories, or with the matchless aim of elevating millions of a race from a past of bondage to a future of citizenship, without again baptising us in brotherly blood ? Does the hand of the very God

demand more hetacombs at the South, for the salvation of the North? Must States, ravaged by fire, plunder, death, desolation and ruin, be confiscated in property, murdered in spirit, and bound down still deeper in defeat beneath the yoke of puritan intolerance, to insure the hellish demands of Stevens and the devilish nature of Butler?

For three years the insane battle for negro suffrage, to secure permanent ascendancy for the Republican party, has kept the South in irons and the North trembling in the passions which the war aroused, and which political madness has kept alive.

One week filled with the voice of the North, proclaiming "charity to all and malice to no one,"—one united and cordial declaration of **UNIVERSAL AMNESTY**, shielded into strength by **IMPARTIAL SUFFRAGE**, would do more to command the whites, secure the rights, and promote the education of the blacks, at the South, than has been accomplished by the whole race of political huxters since the war began.

I have digressed, Senator Conkling, from the avowed object of my letter, but the spirit which stimulated the digression will be as apparent to you as the object of the letter itself; and continuing in the same spirit, I will recall to you one of your quotations from Webster, to illustrate the tendency of the human mind. You quote him as saying that "The lightning is strong, the whirlwind is strong, the tempest is strong, but there is something stronger than all these; it is the enlightened judgment of mankind;"—and you added, "Yes, **THERE IS POWER IN THE HONEST SENSE OF MEN.**" To impress this fact upon your mind, I write this letter.

In concluding, I should do you, as well as myself, injustice, if I did not say to you that no man in the Senate of the United States occupies a more independent position than you occupy. You are one of its youngest members, from one of the oldest, and by far the most powerful of the States of the Union. You possess abilities which New York has recognized, and which the Nation respects. You are stronger in yourself than you are in any party. This, sir, is not written either to flatter or influence you; and the weight of this truth has brought me to say to you that you can afford to be

just—and yet you have neither position or genius enough to afford to be unjust, for “Posterity will pass judgment on your judgment.”

I am, sir, respectfully, yours,

A CONSTITUENT.

TO HON. ROSCOE CONKLING,

United States Senate,

Washington, D. C.

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